

AMENDMENT AND RESPONSE
08/921,533
2880/158

REMARKS

Claims 1-6 and 8-22 are pending in the present application. Claims 1, 3, 4, 5, 16, and 21 have been amended to provide proper antecedent basis for certain claim terms. Claims 1, 3, and 5 stand rejected under 35 U.S.C. §112. Claims 1-6 and 10-22 stand rejected under 35 U.S.C. §103(a) as being allegedly rendered obvious by U.S. Patent No. 6,406,498 to Tormala (referred to herein as the "'498 patent"). Claims 1-6 and 10-22 stand reject under 35 U.S.C. §103(a) as being allegedly rendered obvious by U.S. Patent No. 4,239,113 to Gross ("Gross") in view of Tormala *et al.*, "Bioabsorbable polymers: materials technology and surgical applications" Proc Instn Mech Engrs., Vol. 212, pp. 101-111 (1998) (referred to herein as the "Tormala article"). Claims 9-10 stand rejected under 35 U.S.C. §103(a) as being allegedly rendered obvious by the '498 patent in view of Bonfield *et al* "In Vivo Evaluation of Hydroxyapatite Reinforced Polyethylene Composites" (Bonfield).

With respect to the rejection of claims 1, 3, and 5 for lacking antecedent basis with respect to the claim element "resorbable polymeric reinforcing component," Applicants have amended these claims and respectfully request withdrawal of this rejection. Claim 3 was also rejected under 35 U.S.C. §112 for reciting "at least one fiber." According to the Examiner, claim 3 depends from claim 2 and "claim 2 recites only one fiber and therefore it is unclear from claim 3 as to which other fibers the claim is referring to." Claim 3, however, does not depend from claim 2 and does not recite "at least one fiber." Claim 4 recites "at least one fiber" and therefore claim 4 has been amended to recite "the at least one reinforcing component comprises at least one fiber having a variable thickness." Applicants submit that there is no lack of clarity with respect to the term "at least one fiber" in claim 4.

With respect to the rejections of the claims under §103, Applicants respectfully traverse these rejections as neither the '498 patent nor the Tormala article qualify as prior art. The present application has a filing date of September 2, 1997. The '498 patent, which forms the basis of the §103 rejection of all the claims, has a filing date of September 4, 1998. The Tormala article, which forms the basis of the §103 rejection of claims 1-6 and 10-22 has a publication date of 1998. Therefore, neither reference qualifies as prior art under 35 U.S.C. §102 or §103. Since neither Gross nor Bonfield teach or suggest all the elements of each of the claims, Applicants respectfully request withdrawal of these rejections.

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CONCLUSION

Applicants submit that the subject application is in condition for allowance, and respectfully requests that such action be taken. If for any reason the Examiner believes that prosecution of this application would be advanced by contact with the Applicants' attorney, the Examiner is invited to contact the undersigned at the telephone number given below.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

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